

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Plaintiffs Randolph and Stacie Barnes' Motion for Class Certification (ECF # 14), and the Motion of Dean and Aimee Hickman for Leave to Intervene or Alternatively, to Join in the Captioned Case (ECF#51). For the following reason, the Court denies Plaintiffs' Motion and denies the Motion of Dean and Aimee Hickman.

On January 4, 2007, at oral arguments on Plaintiffs' Motion for Leave of Court to File Second Amended Complaint to Substitute Class Representatives, Plaintiffs' counsel David Yeagley stated on the record, “[a]nd as I mentioned, in the end, First American cannot unilaterally dictate that the Barnes remain as class representatives. They have instructed us to seek to withdraw their class action claims that were asserted on their behalf.” (January 4, 2007, Transcript of Proceedings pg. 6). Therefore, the Court finds Plaintiffs have affirmatively abandoned their proposed class claims on the record. On February 13, 2007, Plaintiffs counsel

motioned the Court to withdraw as counsel for Plaintiffs because Plaintiffs failed to respond to Plaintiffs' counsels' communications. On March 12, 2007, the Court granted counsels' Motion to Withdraw. Since that time, the Barnes have failed to obtain new counsel to pursue their claims or defend the claims in Defendant's counterclaim.

On February 12, 2007 the Hickman's filed their motion to intervene or join. The Motion stated, "Dean and Aimee Hickman ("Intervenors") move this Court pursuant to Fed. R. Civ. P. 24(a) and (b), 20(a), and 23(d) to intervene in or, alternatively, to join in the captioned case and pursue the title insurance overcharge claims on behalf of the proposed "Class." However, as Plaintiffs' counsel, prior to withdrawal, informed the Court the Barnes were withdrawing their class claims, this Court finds the proposed intervenor's purpose for intervention-i.e. to pursue the claims on behalf of the proposed class- no longer exists. Therefore, the Hickman's motion to intervene is denied. The case shall proceed on the Barnes non-class claims and Defendant's counterclaims.

IT IS SO ORDERED.

May 17, 2007
Date

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge